

REMARKS:

In the foregoing amendments, claims 21, 22 and 24 were rewritten as independent claims including all the limitations of claim 19 therein with the exception of the last three lines of claim 19. Claims 19, 20 and 23 were canceled. The foregoing amendments were made to clarify what was already implied in applicant's claims and these amendments are not narrowing amendments and are not being made for reasons substantially related to patentability presented. After the foregoing amendments claims 1-18, 21, 22, 24 and 25 are present in the application for consideration by the examiner. A formal allowance of these claims is respectfully requested for at least the following reasons.

The Official action allowed claims 1-18. Claims 19-25 were rejected under 35 U.S.C. §112, second paragraph, where the last three lines of claim 19 were indicated as ambiguous. Claims 19, 20, 22 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese publication No. 11-312053 of Kimura in view of U.S. patent publication No. 2003/0132922 of Philipp. Claims 21, 22, 24 and 25 were objected to, but indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph.

In the foregoing amendments, the limitations of claim 19 with the exception of the last three lines of claim 19 were inserted into claims 21, 22 and 24. In the rejection of claims 19-25 under 35 U.S.C. §112, second paragraph, the Official action alleged that the last three lines of claim 19 made this claim vague and indefinite. Applicant respectfully submits that removing the last three lines of claim 19 obviates the rejection of this claim under the second paragraph of 35 U.S.C. §112, because the alleged portion of the claim that is vague and indefinite is no longer in the claim. Since all the limitations of claim 19 with the exception of the last three lines of the

claim were included in the foregoing amendments to claims 21, 22 and 24, applicant respectfully submits that claims 21, 22, 24 and 25 (Claims 25 depends on claim 24) do not contain the alleged ambiguity that was rejected in the outstanding Office action. In other words, applicant respectfully submits that claims 21, 22, 24 and 25, as amended above, comply with the second paragraph of 35 U.S.C. §112. Therefore, applicant respectfully requests that the examiner reconsider and withdraw the rejection of claims 21, 22, 24 and 25 under 35 U.S.C. §112, second paragraph.

With respect to the prior art rejection of claims 19, 20, 22 and 23 under 35 U.S.C. §103(a) as being unpatentable over Kimura in view of Philipp, in the foregoing amendments, each of claims 19, 20 and 23 were canceled. Accordingly, it is believed that the rejection of these claims is now moot. While claim 22 was included in this rejection, it is believed that this was a typographical error. Firstly, elsewhere the Official action indicated that claim 22 contain allowable subject matter. Secondly, the body of the rejection does not mention claim 22. Finally, applicant respectfully submits that the teachings of neither Kimura nor Philipp disclose or suggest the invention defined in claim 22, including, *inter alia*:

- wherein the vehicle is a left hand drive vehicle, and the touch switch is disposed on a left side of the display,
- wherein the display is disposed between a passenger seat and a driver seat, and
- wherein the electronic control unit determines the operation of the passenger when the touch sensor detects the approach position of the hand.



For at least the foregoing reasons, applicant respectfully submits that the invention defined in claim 22 is patently distinguishable from the teachings of Kimura in view of Philipp.

Therefore, applicant respectfully requests that the examiner reconsider and withdraw any prior art rejection of claim 22 that was set forth in the outstanding Office action.

At least for the foregoing reasons, a formal allowance of claims 1-18, 21, 22, 24 and 25 is respectfully requested. While it is believed that all the claims in this application are in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolve any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which become due, may be charged to our deposit account No. 50-1147.

Respectfully submitted,
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